

Attorney Docket No.: F7590(V)
Serial No.: 10/072,570
Filed: February 8, 2002
Confirmation No.: 1952

REMARKS

Amendments to the Claims

Claim 19 has been amended without prejudice to recite preferred embodiments of applicants' invention that are more clearly enabled. Specifically, the claims are now drawn to *Monascus ruber* fungus. No new matter has been introduced.

Claims Rejection – 35 USC § 112

Claim 11-16, 19-24 and 27-28 were rejected under 35 USC §112 first paragraph as lacking enablement. The Examiner asserted that the specification while being enabling for *Monascus ruber*, does not provide enablement for any statins producing *Monascus* fungus. Although applicants disagree, the claims have been amended to recite *Monascus ruber* in an earnest effort to advance the case to issue without delay.

In view of the foregoing amendment, applicants respectfully request the application to issue as a patent.

Attorney Docket No.: F7590(V)
Serial No.: 10/072,570
Filed: February 8, 2002
Confirmation No.: 1952

If a telephone conversation would be of assistance in advancing prosecution of the subject application, applicants' undersigned agent invites the Examiner to telephone him at the number provided.

Respectfully submitted,

A handwritten signature in cursive script, reading "Michael P. Aronson". The signature is written in dark ink and is positioned above a horizontal line.

Michael P. Aronson
Registration No. 50,372
Agent for Applicants

MPA/sm
Tel. No. 201-894-2412 or 845-708-0188